



February 21, 2006

Mail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent No. 7,006,088
Application Serial No. 10/066,100
Filed: January 30, 2002
For: **HYBRID MESHES**
Inventor: Igor Guskov, et al.
Our Ref: 01339.0008.NPUS00

Sir:

Please be advised that for the above-referenced application we are not able to verify the final patent term adjustment of 365 days reported in the Issue Notification that was mailed on February 8, 2006. According to our calculation, the patent term adjustment should be 362 days.

This 3-day discrepancy arises from our interpretation of 37 CFR § 1.704(c)(10)(ii). That section clearly states that submission of an amendment under § 1.312 will cause an adjustment no greater than four months. In the present case, applicant filed corrected drawings, after allowance, on May 20, 2005, and the Examiner entered the drawings as an amendment under § 1.312. Because issuance was delayed until February 28, 2005, a four-month reduction was assessed under § 1.704(c)(10).

According to the USPTO method of determining deadlines by calendar month (*see, e.g.* MPEP § 710.01(a)), four months from May 20, 2005 is September 20, 2005, a difference of 123 days. However, the USPTO reduced the patent term by only 120 days.

Please clarify whether there is an error in the patent term adjustment, or whether the USPTO officially interprets “four months” under § 1.704(c)(10)(ii) as equivalent to 120 days. MPEP § 2732 merely states that the cap on patent term reductions under §§ 1.704(c)(3),(6),(9) and (10) is four months, without equating this term to any specific number of days.

Please contact our office if you have questions regarding the above.

Respectfully,

Sean D. Burdick

Sean D. Burdick, Reg. No. 51,513